

CHECKLIST FOR APPENDIX

ECF FUNDAMENTALS:

- ___ If lower court or agency record is **entirely** electronic, an appendix is not required.
- ___ An appendix **IS** required for the following cases:
 - appeals from district court with paper pleadings, such as the complaint or indictment, or transcripts not available electronically
 - appeals in cases under 28 U.S.C. § 2254
 - appeals from United States Tax Court
 - petitions to review or enforce the decision of a federal administrative agency, **except** for social security cases and petitions for review of final orders of exclusion, deportation or removal in immigration cases
- ___ If an appendix is required under 6th Cir. R. 30, it must be filed as an electronic document in PDF format. However, if the file is larger than 10 MB, contact your case manager for instructions.
- ___ Appendices filed ECF will likely be printed, in whole or in part, by the Court in preparing for oral argument. The equipment the Court uses to bind appendices can handle up to approximately 275 pages per volume. Please limit individual volumes to that length.

FORMAT OF ALL APPENDICES (Electronic and Paper)

COVER OF APPENDIX:

- ___ Sixth Circuit case number
- ___ Heading: “United States Court of Appeals for the Sixth Circuit”
- ___ Title of case
- ___ Nature of proceeding and name of court, agency or board below
- ___ Title (example “Appellant’s Appendix”)
- ___ Names(s) and address(es) of counsel filing the appendix
- ___ Volume number if appendix multi-volume

TIME FOR FILING AND BY WHOM

- ___ If appendix required, appellant or petitioner prepares and files simultaneously with his/her principal brief
 - See exceptions for state habeas cases filed pro se and in forma pauperis and black lung cases with pro se in forma pauperis litigant
- ___ If appellee or respondent determines that appellant did not include a necessary part of record in appendix, may file a separate appendix with his/her principal brief. Pagination of appendix consecutive, beginning with next page number after last page of appellant’s/petitioner’s appendix

TABLE OF CONTENTS, INDEX and FORMAT

- ___ Appendix contents in order set out in 6th Cir. R. 30(f)
- ___ Describe each document by Record Entry # and page in appendix where document first appears
- ___ If appendix contains trial testimony, index of witnesses follows Table of Contents
- ___ Index of witnesses, if needed, lists witnesses alphabetically, with dates of proceedings, and pages in appendix

- ___ For a multi-volume appendix, include in each volume the table of contents and index for all volumes
- ___ Transcript or exhibits may be at end of appendix or in separate volume

SPECIAL SITUATIONS:

BLACK LUNG CASES

- ___ Where pro se in forma pauperis litigant seeks review of administrative decision regarding claim for black lung benefits, counsel for the Director must file, with brief, an adequate appendix that includes petition to be reviewed and any other items of record necessary for court's informed review.

DEATH PENALTY CASES

- ___ Where the district court record includes portions of the state court record in paper, appellant must file five copies of the appendix in paper format

IMMIGRATION REVIEW PETITIONS FILED UNDER 8 U.S.C. § 1252

- ___ On petition for review of final order of exclusions, deportation or removal, government files certified administrative record in accordance with briefing schedule. Appendix is not required.
- ___ In cases in which Board of Immigration Appeals issues final order of exclusion, deportation, or removal, the Executive Office of Immigration Review files four text-searchable, paginated copies of certified administrative record on CD-ROM. Appendix is not required.
- ___ In cases in which the U.S. Immigration and Customs Enforcement issues the final order of removal, exclusion, or deportation, where the Department of Homeland Security maintains the administrative record, counsel for the Attorney General files either four text-searchable copies of the administrative record on CD-ROM or electronically files the record using the ECF case-filing system. Appendix is not required.

STATE HABEAS CASES

- ___ State attorney general must file with its brief, copies of all unpublished decisions of state courts involving previous hearings relating to the petition and a copy of the transcript of the trial and any post-conviction hearings of petitioner in state trial court, if previously transcribed and available.

SOCIAL SECURITY CASES

- ___ Attorney representing Commissioner files with brief 4 paginated copies of the administrative record. Appendix is not required